



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving the Final Map, Improvement Agreement and Water Rights Agreement for Legacy Estates Unit 2, Tract No 3382 and Amending Traffic Resolution 97-148 by Approving Stop Control on Goehring Drive at Wyndham Way and Appropriate Funds for the Required Reimbursements (\$5,500)

**MEETING DATE:** September 1, 2004

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** That the City Council adopt a resolution approving the final map, improvement agreement and water rights agreement for Legacy Estates Unit 2, Tract No. 3382 and amending Traffic Resolution 97-148 by approving stop control on Goehring Drive at Wyndham Way, direct the City Manager and City Clerk to execute the improvement agreement, water rights agreement and map on behalf of the City, and appropriate funds for the required reimbursements.

**BACKGROUND INFORMATION:** The subdivision is located north of Harney Lane, west of Mills Avenue and east of the Legacy Estates Unit 1 subdivision, as shown on Exhibit A. The development consists of 140 single-family residential lots.

In order to assist the City in providing an adequate water supply, the developer, FCB Building Partners II, L. P., is required, as a condition of tentative map approval, to enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed Legacy Estates Unit 2 subdivision and that the City may charge fees for the delivery of such water in accordance with City rate policies. The agreement establishes conditions and covenants running with the land for all lots in the subdivision and provides deed provisions to be included in each conveyance.

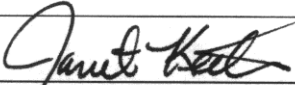
The final map is currently being reviewed by San Joaquin County and City staff. If approved by Council, the map will be forwarded to the City Manager and City Clerk for execution when the review process is complete and the signed final map is received from the County.

The developer of the subdivision has furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and a portion of the fees for the proposed subdivision. The Development Impact Mitigation Fees will be paid prior to Council acceptance of the public improvements. Payment has been guaranteed as part of the faithful performance improvement security for the project in conformance with LMC §15.64.040.

The developer is entitled to reimbursement by the City for the oversizing costs associated with the master plan water mains being constructed with the project. The reimbursement will be applied as a credit

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APPROVED:

  
Janet S. Keeter, Interim City Manager

Adopt Resolution Approving the Final Map, Improvement Agreement and Water Rights Agreement for Legacy Estates Unit 2, Tract No 3382 and Amending Traffic Resolution 97-148 by Approving Stop Control on Goehring Drive at Wyndham Way and Appropriate Funds for the Required Reimbursements (\$5,500)

September 1, 2004

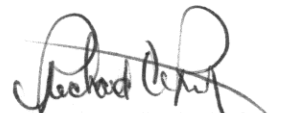
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against Development Impact Mitigation fees for water facilities in conformance with LMC 16.40 Reimbursements for Construction. Staff requests that Council appropriate \$5,500 for the required reimbursement.

In addition, to provide neighborhood traffic control, staff recommends installing two-way stop control on Goehring Drive at Wyndham Way.

**FUNDING:** IMF – Water Facilities (182450; MWSI023) \$5,500

  
James R. Krueger, Finance Director

  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer

RCP/SAW/pmf

Attachment

cc: City Attorney  
Senior Civil Engineer Fujitani  
Senior Civil Engineer Welch  
Senior Traffic Engineer  
FCB Building Partners II, L. P.  
David Evans and Associates, Inc.

RESOLUTION NO. 2004-173

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE  
FINAL MAP, IMPROVEMENT AGREEMENT, AND WATER RIGHTS  
AGREEMENT FOR LEGACY ESTATES UNIT 2, TRACT NO. 3382, AND  
FURTHER AMENDING TRAFFIC RESOLUTION 97-148 BY APPROVING  
STOP CONTROL ON GOEHRING DRIVE AT WYNDHAM WAY, AND  
APPROPRIATING FUNDS FOR THE REQUIRED REIMBURSEMENT

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Final Map, Improvement Agreement, and Water Rights Agreement for Legacy Estates Unit 2, Tract No. 3382, located north of Harney Lane, west of Mills Avenue, and east of the Legacy Estates Unit 1 Subdivision, as shown on Exhibit A attached; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and City Clerk to execute the Improvement Agreement, Water Rights Agreement, and the Final Map on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that the City Council hereby amends Traffic Resolution 97-148 by approving two-way stop control on Goehring Drive at Wyndham Way; and

BE IT FURTHER RESOLVED that funds in the amount of \$5,500 be appropriated from the IMF – Water Facilities Fund for reimbursement to the developer for the oversizing costs associated with the master plan water mains being constructed with the project, which will be applied as a credit against Development Impact Mitigation fees for water facilities in conformance with LMC 16.40 Reimbursements for Construction.

Dated: September 1, 2004

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I hereby certify that Resolution No. 2004-173 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 1, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, and  
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Land

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk

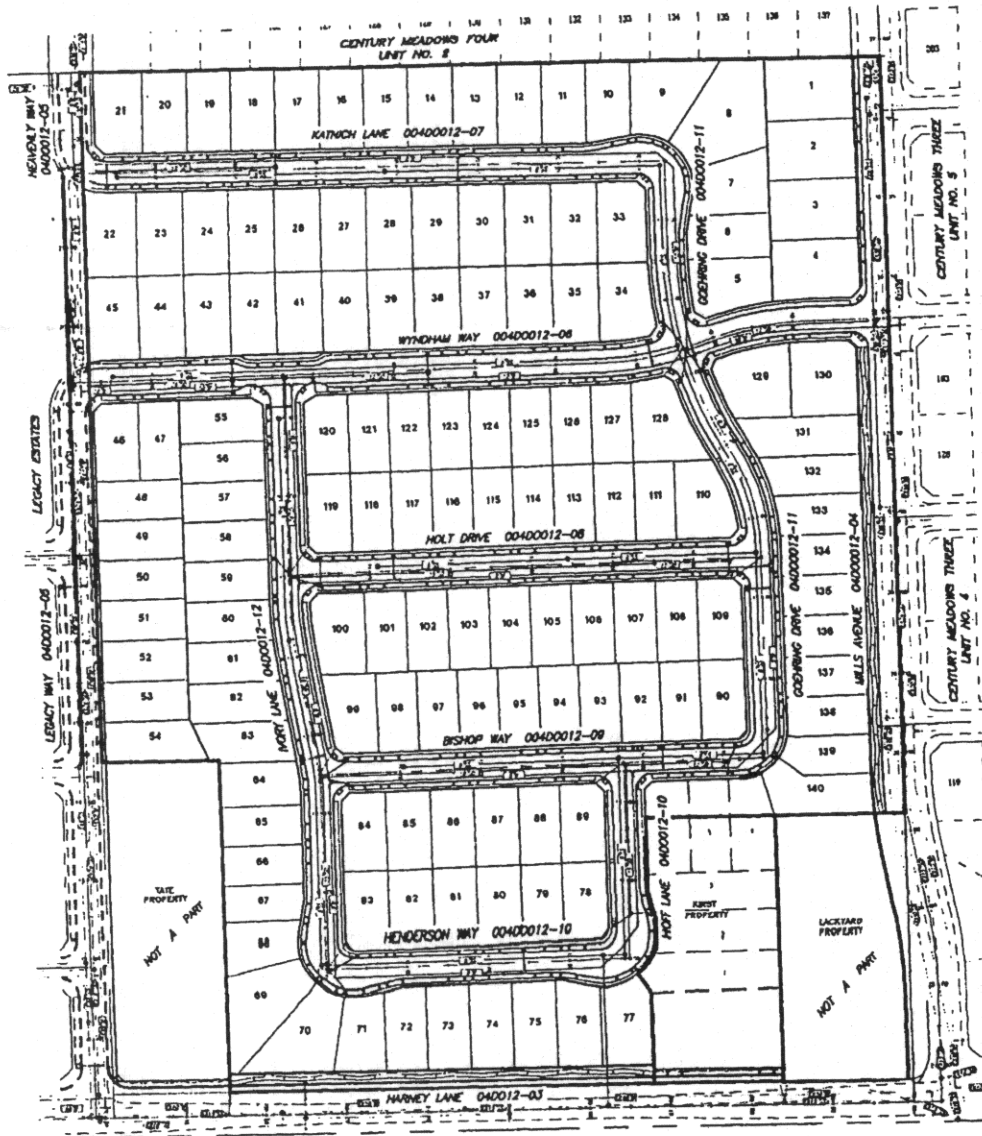


# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A

### LEGACY ESTATES I



### LEGACY ESTATES II

CITY COUNCIL

LARRY D. HANSEN, Mayor  
JOHN BECKMAN  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

CITY OF LODI  
PUBLIC WORKS DEPARTMENT

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JANET S. KEETER  
Interim City Manager  
SUSAN J. BLACKSTON  
City Clerk  
D. STEVEN SCHWABAUER  
City Attorney  
RICHARD C. PRIMA, JR.  
Public Works Director

August 26, 2004

FCB Building Partners II, L.P.  
3247 W. March Lane, Ste. 220  
Stockton, CA 95219

David Evans and Associates, Inc.  
5311 Pirrone Road, Ste. B  
Salida, CA 95368

SUBJECT: Adopt Resolution Approving the Final Map, Improvement Agreement and Water Rights Agreement for Legacy Estates Unit 2, Tract No. 3382 and Amending Traffic Resolution 97-148 by Approving Stop Control on Goehring Drive at Wyndham Way and Appropriate Funds for the Required Reimbursements (\$5,500)

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, September 1, 2004. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at (209) 333-6800, extension 2659.



for: Richard C. Prima, Jr.  
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk